

1 Presented to the Court by the foreman of the  
2 Grand Jury in open Court, in the presence of  
3 the Grand Jury and FILED in the U.S.  
4 DISTRICT COURT at Seattle, Washington.

5 *January 26 2012*  
6 WILLIAM M. McCOOL, Clerk  
7 By *[Signature]* Deputy  
8

9 UNITED STATES DISTRICT COURT  
10 WESTERN DISTRICT OF WASHINGTON  
11 AT TACOMA

12 UNITED STATES OF AMERICA,

CR 12 5039 BHs

13 Plaintiff,

14 } INDICTMENT

15 V.

16 KENNETH WAYNE LEAMING,  
17 DAVID CARROLL STEPHENSON

18 Defendant.

19 The Grand Jury charges that:

20 **COUNT ONE**  
**(Retaliating Against a Federal Judge Or Law Enforcement Officer by False Claim)**

21 On or about August 31, 2010, at Pierce County, Washington, within the Western  
22 District of Washington and elsewhere, KENNETH WAYNE LEAMING knowingly and  
23 intentionally did file, attempt to file and conspired to file, in a public record generally  
24 available to the public, a false lien and encumbrance against the real or personal property  
25 of an officer and employee of the United States, on account of the performance of  
26 official duties by that individual, knowing and having reason to know that such lien or  
27 encumbrance is false and contains material false, fictitious or fraudulent statements or  
28 representations.

All in violation of Title 18, United States Code, Section 1521.

**COUNT TWO**

## **(Retaliating Against a Federal Judge Or Law Enforcement Officer by False Claim)**

On or about November 4, 2010, at Pierce County, Washington, within the Western

District of Washington and elsewhere, KENNETH WAYNE LEAMING knowingly and intentionally did file, attempt to file and conspired to file, in a public record generally available to the public, a false lien and encumbrance against the real or personal property of an officer and employee of the United States, on account of the performance of official duties by that individual, knowing and having reason to know that such lien or encumbrance is false and contains material false, fictitious or fraudulent statements or representations.

All in violation of Title 18, United States Code, Section 1521.

## **COUNT THREE**

## **(Retaliating Against a Federal Judge Or Law Enforcement Officer by False Claim)**

On or about July 19, 2011, at Pierce County, Washington, within the Western District of Washington and elsewhere, KENNETH WAYNE LEAMING and DAVID CARROLL STEPHENSON knowingly and intentionally did file, attempt to file and conspired to file, and did aid and abet the same, in a public record generally available to the public, a false lien and encumbrance against the real or personal property of an officer and employee of the United States, on account of the performance of official duties by that individual, knowing and having reason to know that such lien or encumbrance is false and contains material false, fictitious or fraudulent statements or representations.

All in violation of Title 18, United States Code, Sections 1521 and 2.

## **COUNT FOUR**

**(Concealing Person From Arrest)**

Beginning at an exact date unknown but within the last five years, and continuing until on or about November 21, 2011, in Spanaway, Washington, within the Western District of Washington, and elsewhere, KENNETH WAYNE LEAMING harbored and concealed two individuals, SJH and TSD, each a person for whose arrest a warrant had been issued under the provisions of a law of the United States on a charge of felony, so as

1 to prevent the discovery and arrest of SJH and TSD, after notice and knowledge of the  
2 fact that a warrant had been issued for the apprehension of SJH and TSD.

3 All in violation of Title 18, United States Code, Section 1071.

4 **COUNT FIVE**  
5 **(Felon in Possession of a Firearm)**

6 On or about November 22, 2011, at Spanaway, Washington, within the Western  
7 District of Washington, KENNETH WAYNE LEAMING, having previously been  
8 convicted of the following crimes punishable by imprisonment for a term exceeding one  
9 year, to wit: *Piloting an Aircraft without a Valid Pilot's Certificate*, on or about August 5,  
10 2005, in the United States District Court for the Western District of Washington, Cause  
11 No. CR05-5143FDB, did knowingly possess in and affecting interstate and foreign  
12 commerce a firearm, that is:

13 One Norinco SKS 7.62x39mm semiautomatic rifle, serial number 215590;

14 One Astra model A-100 .45 caliber semiautomatic pistol, serial number 0865B;

15 One Ruger model Vaquero, .45 caliber revolver, serial number 57-49390

16 One Remington model 870 Express 12 gauge shotgun, serial number X298121M;

17 One Winchester model 94 .30-30 caliber lever-action rifle, serial number 4793736;

18 One Winchester model 94 .32 caliber lever-action rifle, serial number 1238347;  
each of which had been shipped and transported in interstate and foreign commerce.

19 All in violation of Title 18, United States Code, Section 922(g)(1).

20 **COUNT SIX**  
21 **(False and Fictitious Instruments)**

22 On or about March 12, 2008, at Spanaway, Washington, within the Western  
23 District of Washington, KENNETH WAYNE LEAMING, with the intent to defraud,  
24 knowingly and intentionally passed, uttered, presented, offered, brokered, issued, and  
25 sold, and attempted to utter, present, offer, broker, issue and sell, a false and fictitious  
26 instrument, document and other items, appearing, representing and purporting to be an

1 actual security and financial instrument, namely a "Bonded Promissory Note" with a face  
2 value of "One Million United States Dollars (\$1,000,000), payable to the "Order of  
3 Internal Revenue Service, Henry M. Paulsen, Jr., d/b/a Secretary of the United States  
4 Treasury and FAN NW LTD., INC."

5 All in violation of Title 18, United States Code, Sections 514 and 2

6  
7 A TRUE BILL:

8 DATED: 1/26/12

9 *Signature Redacted Per Judicial*  
10 *Conference Policy*

11  
12  
13 FOREPERSON

14 JENNY A. DURKAN  
United States Attorney

15  
16 SARAH Y. VOGEL  
Assistant United States Attorney

17  
18 VINCENT T. LOMBARDI  
Assistant United States Attorney